Case 1:99-cv-00962-SHS Document 172 Filed 08/24/11

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IN THE UNITED STATES DISTRICT COLUMN FILED FOR THE SOUTHERN DISTRICT OF NEW

USDC SDNY DOCUMENT

99 CIV. 0962 (SHS)

IN RE: STOCK EXCHANGES OPTIONS TRADING ANTITRUST LITIGATION

[And All Other Consolidated

Actions

THIS DOCUMENT RELATES TO

MDL No. 1283

Master Docket No. M-21-79 (SHS)

**ALL ACTIONS** 

DISTRIBUTION OF SETTLEMENT PROCEEDS

WHEREAS, on November 23, 2009 the Court entered an Order for Distribution of the Net Settlement Fund in the above-captioned consolidated class action (the "Action"); and

WHEREAS, the Court retained continuing jurisdiction over this Action for the purpose of considering any further application or matter which may arise in connection with the administration and implementation of the Settlement, the processing of Proofs of Claim and the distribution of the Net Settlement Fund to Authorized Claimants:

WHEREAS, plaintiffs moved by Notice of Motion dated July 19, 2011 for an Order

directing a Supplemental Distribution of the Settlement Proceeds; Whereas, a conference was held on the second on that motion on any 123, 2011;

NOW THEREFORE, upon reading and filing the Affidavit of Scott W. Fisher dated

July 19, 2011, a member of Garwin Gerstein & Fisher LLP, and a member of Plaintiffs'

Counsels' Executive Committee, the Affidavit of Michael Rosenbaum dated July 11, 2011,

Managing Director of Berdon Claims Administration LLC ("Berdon" or "Claims Administrator")

and the exhibit thereto (the "Rosenbaum Affidavit"), and upon all prior proceedings heretofore,

and after a hearing held on August 23, 2011, it is on this 24day of layer 2011;

ORDERED, that the administrative recommendation of the Claims Administrator that a supplemental distribution of the remaining Settlement Proceeds be made to authorized claimants and the same is hereby approved; and it is further

[motion #170]

ORDERED, that the Claims Administrator be paid the sum of \$37,750.00 from the Net Settlement Fund for its fees and expenses incurred in connection with administering the settlement herein not previously applied for including fees and expenses, incurred in connection with the supplemental distribution of Settlement Proceeds; and it is further

**ORDERED**, that the late claim of PTI Capital Management, L.L.C. is allowed; and it is further

ORDERED, that within ten (10) days hereof, Berdon shall attempt to contact those claimants whose checks were not returned as undeliverable but remain uncashed, and inform such claimants that within twenty (20) days thereafter, he/she/it must request that Berdon reissue a check to the claimant for his/her/its proportionate share of the initial distribution of the Net Settlement Fund to continue as a claimant in this litigation, and that such check must be cashed within thirty (30) days from the date thereon or it will be deemed void; and it is further

ORDERED, following the completion of the above referenced process, that the remaining Settlement Proceeds, after deducting the payments to Berdon set forth herein, shall be distributed to authorized claimants as determined by the Claims Administrator as will be set forth in a CD entitled "Options Supplemental Distribution List Including PTI Claim", within thirty (30) days thereafter; and it is further

ORDERED, that, if after ninety (90) days after completion of the supplemental distribution any funds shall remain in the Net Settlement Fund, then such balance shall be contributed to non-sectarian, not-for-profit, 501(c)(3) organization(s) designated by the Executive Committee with the approval of the Court; and it is further

**ORDERED**, that this Court shall retain jurisdiction over any further matter which may

arise in connection with this Action.

NYNY any 24, 2011

UNITED STATES DISTRICT COURT

HON. SIDNEY H. STEIN